

Appl. No. 10/668,922
Amdt. dated 28 June 2006
Reply to Office action of 28 December 2005

REMARKS

Claims 1-6 are pending in this application. Claims 1 and 4 have been amended to more clearly delineate the claimed subject matter and remain herein for consideration. No new matter has been entered.

In the most recent office action, the Examiner has rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Hardesty, et al. (U.S. Pat. No. 5,504,315) in view of U.S. Patent No. 5,272,323 to Martino. The Applicants again respectfully disagree with the Examiner's characterization of this art and the Examiner's application of this art to Applicant's claims. In order to establish the obviousness of a claim, the Examiner must show that all of the claim limitations are taught or suggested by the prior art. M.P.E.P. 2143.03. As mentioned in Applicants' prior reply dated 26 October 2005, there are limitations in Applicants' independent claims one and four, which are not taught or suggested by either Hardesty or Martino.

The Examiner has stated that Hardesty lacks the teaching of detecting the presence of barcode data in a digital file and that Martino teaches a method of verifying barcode data and that one of ordinary skill in the art would have recognized that detecting barcode data in a digital file would have been beneficial for providing a primary determination that an operation upon barcode data will subsequently take place.

Applicants' amendment to the claims now clearly distinguishes the present claimed subject matter from any combination of Hardesty and Martino as both of these cited references require the use of a physical bar code scanner in order to generate a digital signal before any operation upon the barcode data can take place. Neither reference teaches or even suggests that

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barcode data could be obtained from anything other than an attached bar code scanner. Because the independent claims of the instant application have now been amended to more clearly delineate this distinction, both of these independent claims rejected under 35 U.S.C. § 103(a) are now patentable along with the remaining dependent claims for at least the same reasons.

Applicants believe they have responded to all of the concerns raised by the Examiner. If Examiner has any questions about the present response, a telephone interview is again requested. Reconsideration is hereby requested. A Petition for Extension of Time along with a Request for Continued Examination (RCE) under CFR 1.114 are submitted in duplicate along with the appropriate fees. The Director is hereby authorized to charge any fees under 37 CFR 1.17 which may be required by this paper to Deposit Account No. 50-3526. No additional fees are due.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Amendments to the Claims:

Please amend the claims as follows:

1. (currently amended) A method of verifying barcode data, comprising the steps of:
receiving a previously created digital file;
detecting a presence of barcode data in ~~a~~ said digital file;
obtaining measurements of bars and spaces of said barcode data;
identifying a type of barcode data present in said file;
decoding said barcode data using a predetermined algorithm used for the type of barcode data;
verifying said barcode data using a result of the decoding step₁[[,]] and
outputting the results of the verification.
2. (original) The method of claim 1, further comprising creating and storing meta data relating to said barcode data.
3. (original) The method of claim 1, further comprising retrieving, receiving and storing aspects of the barcode data as well as related data into a database.

4. (currently amended) A system for verifying barcode data, comprising:
 - a receiver for receiving a previously created digital file;
 - a detector for detecting a presence of barcode data in ~~a~~ said digital file;
 - a measurer for obtaining measurements of bars and spaces of said barcode data;
 - an identifier for identifying a type of barcode data present in said file;
 - a decoder for decoding said barcode data using a predetermined algorithm;
 - a verifier for verifying said barcode data; and
 - a communicator to output results of the verification.
5. (original) The system of claim 4, further comprising a meta data creator for creating and storing meta data relating to said barcode data.
6. (original) The system of claim 4, further comprising a database for retrieving, receiving and storing information related to said verification of barcode data.